

PHILLIP A. TALBERT
United States Attorney
STEPHANIE M. STOKMAN
Assistant United States Attorney
2500 Tulare Street, Suite 4401
Fresno, CA 93721
Telephone: (559) 497-4000
Facsimile: (559) 497-4099

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

STEVEN MCTHAY,

Defendant.

CASE NO. 1:23-CR-00145-NODJ-BAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status conference on August 14, 2024.
2. By this stipulation, the parties now move to vacate and continue the status conference date for a change of plea until September 9, 2024.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The parties anticipate entering into a resolution in this matter and agree that a date of September 9, 2024, is warranted for a change of plea. Prior to filing this stipulation, the parties conferred with the courtroom deputy for the assigned district court judge, who indicated this date is available for a change of plea.
 - b) The parties stipulate that the period of time until September 9, 2024, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv) because it

1 results from a continuance granted by the Court at defendants' request on the basis of the Court's
2 finding that the ends of justice served by taking such action outweigh the best interest of the
3 public and the defendant in a speedy trial.

4 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
5 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
6 must commence.

7 IT IS SO STIPULATED.

8
9 Dated: August 6, 2024

PHILLIP A. TALBERT
United States Attorney

10
11 /s/ STEPHANIE M. STOKMAN
STEPHANIE M. STOKMAN
Assistant United States Attorney

12
13 Dated: August 6, 2024

/s/ ERIC KERSTEN

14 ERIC KERSTEN
Counsel for Defendant
15 STEVEN MCTHAY

16
17 **ORDER**

18 IT IS SO ORDERED that the status conference set for August 14, 2024, is vacated. A change of
19 plea hearing is set for **September 9, 2024, at 8:30 a.m. in Courtroom 5 before the District Court Judge.**
20 Time is excluded pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv).

21
22 IT IS SO ORDERED.

23
24 Dated: August 6, 2024

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE